REMARKS/ARGUMENTS

This paper responds to the Office Action of September 7, 2004, and requests reconsideration of the application.

Claims 1-72 are now pending, a total of 72 claims. Claims 1, 2, 9, 32, 39, 59 and 61 are independent.

I.   Paragraph 3 of the Office Action

Paragraph 3 of the Office Action of September 7, 2004 states that the following references were not considered:

- Dean, ProfileMe: Hardware Support for Instruction-Level Profiling on Out-of-Order Processors." Proceedings of 30th Annual Intl. IEEE/ACM Symp. on Microarchitecture, pp. 292-302 (Dec. 1997)
- Kim and Tyson: Analyzing the Working Set Characteristics of Branch Execution, Proceedings of the 31st Annual ACM/IEEE International Symposium on Microarchitecture, pp. 49-58 (Dec. 1998)
- M. Lipasti and J. Shen. Exceeding the Data-Flow Limit Via Value Prediction, 29th International Symposium on Microarchitecture, pages 226-237, IEEE (Dec. 1996)
- Veen: Dataflow Machine Architecture, ACM Computing Surveys vol. 18 no. 4 pp. 365-96 (December 1986)

> Paragraph 4 of the IDS filed on June 25, 2004 states as follows (underline added):
>
> 4. For non-patent items listed on the enclosed Form PTO-1449 for which a copy is not already made of record in this application, a copy was previously cited by or submitted to the Patent and Trademark Office in application Serial No. 09/239,194, filed January 28, 1999, Yates et al., Executing Programs for a First Computer Architecture on a Computer of a Second Architecture...

Enclosed is a copy of a Form 1449 from the '194 application. This Form 1449 bears the examiner's initials, confirming that these references are indeed in the '194 file.

Copies of the non-patent references are also being made of record concurrently herewith in App. Ser. No. 09/626,325, Yates et al., Operating System For Computer With Two Architectures.

It is also noted that over 60 patent references that were properly submitted are not initialed or otherwise signed off (see pages 1-2 of the Form 1449 submitted July 2, 2004 and returned with the Office Action of September 2004).

Applicant requests that these references be considered. A new IDS and Form 1449 are enclosed.

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II.   Paragraph 6 of the Office Action

Paragraph 6 of the Office Action purports to raise an objection based on lack of a reference numeral. Applicant believes that the drawings are in full compliance with the applicable rules (*e.g.*, 37 C.F.R. § 1.83(a), "The drawing ... must show every feature of the invention as specified in the claims..."; the Office Action itself concedes that the feature in question is "shown" in the drawing). Paragraph 6 of the Office Action cites no rule under which the purported objection might arise, and therefore it is impossible to determine whether any amendment is required to meet that rule, or what manner of amendment might meet the objection. If any objection is maintained, Applicant requests identification of the rule relied upon, and a showing of all relevant predicate facts that would make the rule applicable.

Further, reference number 942 is already in use, for the "MODE" at the top left of Fig. 9C. There is nothing to suggest that any reference numeral has been omitted.

III.   Paragraphs 7-11 of the Office Action

Each independent claim has been amended to recite "a RISC instruction ... having an explicit segment designator field ... corresponding to a segment designator field of the CISC instruction set." This language is supported, among other locations, at Fig. 9c (both the external and internal instruction forms have a "SEG" field); page 172, line 19-23; page 38, lines 5-6; page 143, line 16 to page 144, line 6; and page 172, line 24 to page 174, line 27.

In contrast, Blomgren's RISC instruction set is the same as the IBM/Motorola PowerPC RISC. Blomgren '693, col. 1, lines 27-29, 41-42. Because the PowerPC instruction set already has assigned uses for all instruction bits, and has no "segments ... corresponding to the CISC instruction set," it would be impossible to wedge an "explicit segment designator field" into Blomgren's RISC instruction set.

The claims are patentable.

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IV.   Dependent claims

The dependent claims are patentable with the independent claims discussed above. In addition, the dependent claims recite additional features that further distinguish the art.

In view of the amendments and remarks, Applicant respectfully submits that the claims are in condition for allowance. Applicant requests that the application be passed to issue in due course. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 23-2405, Order No. 114596-26-0051BS.

Respectfully submitted,

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Dated: November 8, 2004

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